1.   Summary of the Office Action

Claims 1-5, 7-9, 14-21, 27-30 stand rejected under 35 U.S.C. 102(a) and (b) as allegedly being anticipated by U.S. Patent 5,946,484 (hereinafter "Brandes").

Claim 6 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Brandes in view of U.S. Patent 6,339,820 (hereinafter "Baentsch").

Claims 10 and 22 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Brandes in view of U.S. Patent 6,047,298 (hereinafter "Morishita").

Claims 31, 33, 34, 38, 40, 41 and 45 stand rejected under 35 U.S.C. 102(a) as allegedly being anticipated by U.S. Patent 5,822,787 (hereinafter "Zucker").

Claims 32, 39 and 46 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Zucker in view of U.S. Patent 6,367,012 (hereinafter "Atkinson").

2.   Response to U.S.C. 102 Rejections

Claims 1-5, 7-9, 14-21, 27-30 stand rejected under 35 U.S.C. 102(a) and (b) as allegedly being anticipated by Brandes. These rejections are respectfully traversed for the reasons set out below.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The claims of the present application include the feature of identifying a random use property of the parameter of an instruction. As conceded by the Examiner on Page 8 of the Office Action, none of the prior art teaches the identification of a random use property of a parameters. This alone is sufficient to render the present claims patentable over the cited prior art.

Indeed, Brandes only describes a method of recovering source code from object code, comprising "disassembling the computer program into assembler code format, including machine instructions and

their operands, providing assembler code patterns, and for each such pattern, its equivalent source language command structures, comparing the provided assembler code patterns to the assembler code, to find provided assembler code patterns in the assembler code, and for each such found provided assembler code pattern, assigning to the assembler code portion which makes up the pattern, the equivalent source language command structure" (Brandes, Abstract). There is no mention of a similar use property and a random use property of the parameters, a distinction of which is made in the present claims. The claims are patentable over Brandes since Brandes does not teach or disclose the identification of the random use property of the parameters.

Claims 31, 33, 34, 38, 40, 41 and 45 stand rejected under 35 U.S.C. 102(a) as allegedly being anticipated by Zucker. The claims of the present application require identifying an unused symbol to be exported by the executable file and not to be imported by another executable file. This is not taught or disclosed by Zucker, as conceded by the Examiner on Page 9 of the Office Action. Indeed, Zucker only teaches an application binary interface that includes linkage structures for interfacing a binary application program to a digital computer.

Furthermore, the Office Action asserts that Zucker teaches the present invention of writing the symbol name and abbreviation as an entry in the symbol dictionary (Zucker, Col.9, lines 26-46). In particular, the "first character" in Zucker is equivalent to the "abbreviation" of the present invention. This assertion is incorrect. Indeed, Zucker only describes "the absolute address in the string table in which the first character of the name of a symbol is stored can be obtained through the symbol table by adding the respective index to the absolute address of the beginning of the string table" (Zucker, Col. 9, lines 42-46). This simply teaches a method of retrieving the absolute address of a symbol by pointing to the first character of the name of a symbol. It is incorrect to assert that the "first character of the name of a symbol" is equivalent to the "abbreviation" as taught by the present claim. Zucker clearly fails to disclose each and every element of the present invention. Therefore, there can be no conclusion that the present invention is anticipated by Zucker.

3.   Response to U.S.C. 103 Rejections

Claim 6 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Brandes in view of Baentsch. In addition, claims 10 and 22 also stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Brandes in view of Morishita.

These claims are patentable over the cited references. As established above, the independent claims from which these claims depend include the feature of identifying a random use property of the parameter of an instruction. In addition, the Examiner concedes on Page 8 of the Office Action that none of the prior art teaches the identification of the random use property of the parameters. Therefore, the present claims are distinguished from the prior art and hence, are patentable over the prior art.

Regarding claims 32, 39 and 46, they stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Zucker in view of Atkinson. The independent claims from which claims 32 and 39 depend require identifying an unused symbol to be exported by the executable file and not to be imported by another executable file. As conceded by the Examiner on Page 9 of the Office Action, none of the prior art teaches the requirement of identifying an unused symbol to be exported by the executable file and not to be imported by another executable file. Therefore, there can be no conclusion of obviousness with respect to these claims.

4. Conclusion

The Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Andre Marais at (408) 947-8200 ext. 204.

Respectfully submitted,
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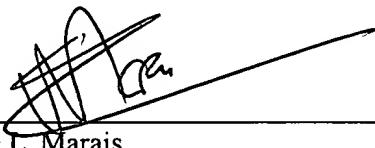
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